IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION (LODG) NO. 8 OF 2006
IN
ARBITRATION APPLICATION NO.68 OF 2005

Pawan Kumar .. Petitioner

Vs.

BASF India Ltd. .. Respondent

Mr.Tejas Deshpande for petitioner.
Ms. Nitya Shah i/b Negandhi, Shah & Himayatullah for respondent.

CORAM : B. H. MARLAPALLE,J.

Date : April 21, 2006.

P.C.:

1. Heard the learned counsel for the respective parties.

2. Arbitration Application No.68 of 2005 was allowed by this court on 18/8/2005 by requesting Mr.Justice S.K. Desai, a retired Judge of this Court to accept the arbitration. This application prays for recall of the said order dated 18/8/2005 and mainly on the ground that the agreement dated 1/11/2000 signed between the parties was a fabricated document.

3. When it was pointed out to the learned counsel for the petitioner that the petitioner had signed the said document, it was submitted that he had signed

under duress /force and in any case in the invoices it was stated that all transactions would be subject to "Delhi jurisdiction".

4. On the face of the fact that the agreement dated 1/11/2000 was signed between the parties and both the present petitioner as well as the respondent had signed the said agreement and Clause 28 therein provides for arbitration and the arbitration proceedings to be held at Mumbai and not elsewhere, the stand now taken in this review petition is obviously by way of an after thought and the same cannot be entertained.

5. The Review Petition is, therefore, rejected summarily. However, it is clarified that this order will not come in the way of the review petitioner to file an application under Section 16 of the Arbitration Act before the Arbitrator, if so advised.

(B.H. Marlapalle, J.)